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CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

General Counsel

7 March 1984

NOTE FOR THE DIRECTOR

RE: Political Contributions

Bill:

I am sending you the attached memorandum addressed to all Department Heads from the Counsel to the President concerning political contributions. In my view, I believe the Counsel's analysis is all wrong. It is inconceivable to me that it would be illegal to make a contribution to an incumbent President in connection with a reelection campaign. If it did, it clearly would be inconsistent with an individual's First Amendment rights. What I am really concerned about is that we are advising our people that they may be violating the law by making such a contribution. As I understand it, this notice is unprecedented and I know of no other instance where a notice was sent out by any other Administration.



Stanley Sporkin

Attachment



6-299

THE WHITE HOUSE

WASHINGTON

February 14, 1984

MEMORANDUM FOR THE HEADS OF ALL DEPARTMENTS AND AGENCIES

FROM: FRED F. FIELDING 
COUNSEL TO THE PRESIDENT

SUBJECT: 18 U.S.C. § 603

Section 603 of title 18 makes it a felony for any officer or employee of the United States to give a political contribution to any other officer or employee of the United States who is the "employer or employing authority" of the contributor. */ Although the issue is not free from doubt, this provision may prohibit any Federal employee from contributing to the authorized campaign committee of the President (Reagan-Bush '84).

Although such interpretation **/ would raise grave constitutional concerns, prudence requires that any ambiguity in the language of this statute be resolved against placing any Presidential appointee or other Federal employee in the position of inadvertently violating Federal law. Hence, in the absence of any judicial interpretation of this provision or any legislative clarification of it, all Federal employees should be advised that this statute may preclude them from contributing to Reagan-Bush '84, the authorized campaign committee of the President.

I regret that such advice may inhibit Federal employees from the full exercise of their First Amendment rights; nevertheless, in the interest of maintaining strict compliance with all Federal statutes, every Federal employee should be made aware of the language and potential restrictions of this statutory provision.

Your cooperation in disseminating this advice will be greatly appreciated.

*/ The terms "contribution" and "authorized committee" are used as they are defined in the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §§ 431(8) and 432(e)(1).

**/ This interpretation would be personal to the employee only, and would not apply to his or her spouse or family, and would be applicable only to contributions to Reagan-Bush '84.

Exec Registry

04-11-84

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Remarks

Please disseminate as appropriate

Executive Secretary

2/22/84

Date

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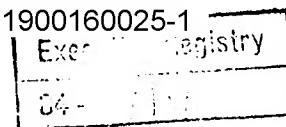
SUSPENSE _____ Date _____

Remarks

Please disseminate as appropriate

JRC
Executive Secretary
2/22/84
Date

3637 (10-81)



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